	Case 2:08-cv-01358-NVW Do	ocument 24	Filed 05/15/09	Page 1 of 2
1				
2				
3				
4				
5				
6	IN THE UNITED STATES DISTRICT COURT			
7	FOR THE DISTRICT OF ARIZONA			
8				
9	Francisco Javier Estrada,	)	No. CV 08-1358	PHX-NVW (LOA)
10	Petitioner,	)	ORDER	
11	v.	)		
12	Warden Ricardo Chavez,	)		
13	Respondent.	)		
14		)		
15	Pending before the court is the Report and Recommendation ("R&R") of			
16	Magistrate Judge Anderson (Doc. # 20) regarding petitioner's Petition for Writ of Habeas			
17	Corpus filed pursuant to 28 U.S.C. § 2241 (Doc. # 1). The R&R recommends that the			
18	Petition be denied. The Magistrate Judge advised the parties that they had ten days to file			
19 20	objections to the R&R. (R&R at 12 (citing 28 U.S.C. § 636(b)). Petitioner filed			
20	objections on April 23, 2009. (Doc. # 23.)			
22	The court has considered the objections and reviewed the Report and			
23	Recommendation de novo. <i>See</i> Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that			
24	the court must make a de novo determination of those portions of the Report and			
25	Recommendation to which specific objections are made). The court agrees with the			
26	Magistrate Judge's determinations, accepts the recommended decision within the meaning			
27	of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. See 28 U.S.C. §			
28	636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in			

1 part, the findings or recommendations made by the magistrate"). 2 Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error 3 may not be assigned to any defect in those rulings to the extent that an aggrieved party 4 did not file a timely objection. Fed. R. Civ. P. 72(a) ("A party may serve and file 5 objections to the order within 10 days after being served with a copy [of the magistrate's 6 order]. A party may not assign as error a defect in the order not timely objected to."). The 7 absence of a timely objection precludes later assignment of error in this court or in any 8 higher court of the non-dispositive rulings of a magistrate judge. Simpson v. Lear 9 Astronics Corp., 77 F.3d 1170, 1174 (9th Cir. 1996); Philipps v. GMC, 289 F.3d 1117, 10 1120-21 (9th Cir. 2002). 11 IT IS THEREFORE ORDERED that the Report and Recommendation of the 12 Magistrate Judge (Doc. # 20) is accepted. 13 IT IS FURTHER ORDERED that Petitioner's Motions for Discovery (Doc. # 17) 14 and Motion to Amend (docketed as # 19, but appearing at page 20 of Doc. # 18) are 15 denied. 16 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying 17 Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 18 (Doc. #1). The Clerk shall terminate this action. 19 20 DATED this 14<sup>th</sup> day of May, 2009. 21 22 United States District Judge 23 24 25 26 27

28